

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JUDITH PASCUZZI, individually, and on)
behalf of all others similarly situated,)

Plaintiff,)

v.)

H&H FRANCHISING SYSTEMS, INC.,)
d/b/a HOME HELPERS, a foreign)
corporation, DM ENTERPRISES GROUP,)
INC., d/b/a HOME HELPERS OF)
DUPAGE SUBURBS, an Illinois)
corporation, DENISE GONZALEZ,)
an individual, and MICHAEL)
GONZALEZ, an individual,)

Defendants.)

Case No.: 16-cv-03415

Judge: Harry D. Leinenweber

**PLAINTIFF’S UNOPPOSED MOTION FOR FINAL APPROVAL OF THE PARTIES’
CLASS SETTLEMENT UNDER FEDERAL RULE OF CIVIL PROCEDURE 23(E) AND
THE FAIR LABOR STANDARDS ACT**

Plaintiff, Judith Pascuzzi, individually and as representative of a Settlement Class of similarly situated persons, by class counsel, Seth R. Halpern and John R. Malkinson of Malkinson & Halpern, P.C., respectfully moves this Honorable Court to grant final approval of the parties’ class settlement under Federal Rule of Civil Procedure 23(e) and the Fair Labor Standards Act. In support of her unopposed motion, Plaintiff also submits a concurrently filed Memorandum of Law, and states:

1. Judith Pascuzzi, an in-home, companion caregiver employee at DM Enterprises Group, Inc., d/b/a Home Helpers of DuPage Suburbs, filed a two-count complaint alleging that Defendants violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, and the Illinois Minimum Wage Law (“IMWL”), 820 ILCS 105/1 *et seq.*, by failing to pay all earned

overtime wages to her and a proposed class of similarly situated in-home, companion caregiver employees who worked for DM Enterprises Group, Inc. for all of their time worked in excess of forty hours in individual work weeks.

2. In January of 2017, with the help of the Court, the parties negotiated a settlement of all claims.

3. On May 10, 2017, the Court preliminarily approved the parties' class settlement. (Dkt. 50.) The Order of Preliminary Approval was entered by the Court on May 10, 2017. (Dkt. 51.)

4. Requisite Notice pursuant to the Class Action Fairness Act ("CAFA"), 28 U.S.C. 1715(b), was served by Defendants upon the following government officials: The Honorable Jefferson B. Sessions III, Attorney General of the United States, and The Honorable Lisa Madigan, Illinois Attorney General ("Designated Government Officials"). (See Exhibit 1, Declaration of Defense counsel, David E. Stevens, attached hereto and made a part hereof.)

5. As set forth in greater detail in Plaintiff's accompanying Memorandum of Law, the class settlement is fair, reasonable, and adequate. Here, Plaintiff has achieved a \$145,000.00 settlement, with no reversion to Defendants. The settlement was achieved in a highly contested claim, which rendered very uncertain the prospect of recovery by Plaintiff and the class had the litigation continued. Further, 42 class members submitted claim forms to participate in the settlement. No objections were filed to the class settlement, and only one class member sought exclusion from the settlement.

6. Additionally, for the reasons outlined in Plaintiff's accompanying Memorandum of Law, the requested attorneys' fees and costs for class counsel, as well as the requested service payment to the Named Plaintiff, are reasonable and warranted.

7. Attached and made a part hereof as Exhibit 2 is Plaintiff's proposed "Order Granting Final Approval of Class Settlement."

WHEREFORE, for the reasons set forth above, as well as those outlined in Plaintiff's accompanying Memorandum of Law, and the Plaintiff's Unopposed Motion for Preliminary Approval of Settlement (which is specifically incorporated by reference herein Dkt. 48), Plaintiff respectfully requests that this Honorable Court grant final approval of the parties' class settlement.

Dated: September 6, 2017

Respectfully submitted,

/s/ Seth R. Halpern
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a copy of the attached, **Plaintiff's Unopposed Motion for Final Approval of the Parties' Class Settlement Under Federal Rule of Civil Procedure 23(e)**, was served upon the parties below by electronically filing with the Clerk of the U.S. District Court of the Northern District of Illinois on September 6, 2017.

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A courtesy copy was delivered to the chambers of Judge Harry D. Leinenweber.

/s/ Seth R. Halpern
Attorney of Plaintiff

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